

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Customer Number: 46320
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Jason BLAKELY, et al.	:	Confirmation Number: 3618
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Application No.: 09/577,722	:	Group Art Unit: 2178
	:	
Filed: May 23, 2000	:	Examiner: C. Huynh
	:	
For: METHOD AND SYSTEM FOR DYNAMIC CREATION OF MIXED LANGUAGE HTML CONTENT THROUGH MT		

**REPLY BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply Brief is submitted under 37 C.F.R. § 41.41 in response to the EXAMINER'S ANSWER dated March 3, 2006.

The Examiner's response to Appellants' arguments submitted in the Appeal Brief of May 20, 2005, raises additional issues and underscores the factual and legal shortcomings in the Examiner's rejections. In response, Appellants rely upon the arguments presented in the Appeal Brief of May 20, 2005, and the arguments set forth below.

The Examiner's response to the arguments presented by Appellants in the Appeal Brief of May 20, 2005, is found on page 7 of the Examiner's Answer.

Prior to addressing the Examiner's specific response to Appellants' arguments, Appellants note that the Examiner revised the statement of the rejection, which is found on pages 3 and 4 of the Examiner's Answer. Specifically, the Examiner acknowledges that column 6, lines 3-34 of the Examiner's Answer. Specifically, the Examiner acknowledges that column 6, lines 3-34 of Lakritz, teaches that *"only a portion of the documents on the site need be translated"* (emphasis in original). As argued by Appellants in the Appeal Brief, the Examiner had misquoted Lakritz for the proposition that a "portion of the document" (i.e., a single document) need be translated.

This difference is critical to the Examiner's statement of the rejection since claim 1 recites that a portion of a text in a first language is automatically translated into at least one target language "in order to produce a mixed translation of the text." Appellants countered the Examiner's assertion by arguing that Lakritz is directed to a system that translates the entirety of a document into a single target language.

On page 7 of the Examiner's Answer, the Examiner asserted the following:

Appellants argue that "a portion of the text" must be a portion of one single document. However, there is no such claimed requirement. The claim only requires "creating text in the first language." Lakritz, in column 5, lines 10-13, discloses that the master site content is in a language, which means that the created text of the master site is in a first language. Lakritz further discloses that some of the documents in the website are translated in a second language (col 6, lines 21-34). Thus, *a portion of the text of the website* is in a second language. Therefore, *the entire text of the website is in a mixed language*. In other words, the entire text of the website is produced as a mixed translation of the text. (emphasis in original)

The Examiner, therefore, has apparently defined the term "text," when used with regard to a website, as referring to all the documents in a website. The Examiner, however, has failed to put forth any factual evidence that would support a finding that one having ordinary skill in the art would construe the term "text" in the manner suggested by the Examiner given the full breadth of the ordinary and customary meanings attributed to the term "text."

At the outset, Appellants note that the term "text," has a plural form (i.e., "texts"); and by using the singular form, Appellants have distinguished the claimed invention over instances where a plurality of texts are used. Moreover, the very definition of text implies that the "text" is separate from other portions of a book, website, etc. For example, a definition<sup>1</sup> of text includes the following:

text (tekst) , n. 1. the main body of matter in a manuscript, book, etc., as distinguished from notes, appendices, illustrates, etc.

Therefore, the Examiner's assertion that the term "text" refers to all the documents in a website is neither factually supported nor supported by the plain and ordinary meaning of the term "text" itself. Since the Examiner's statement of rejection is based upon improper claim construction, Appellants submit that the Examiner has failed to establish a prima facie case of anticipation within the meaning of 35 U.S.C. § 102 based upon Lakritz.

For the reasons set forth in the Appeal Brief of May 20, 2005, and for those set forth herein, Appellants respectfully solicit the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. §§ 102, 103.

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<sup>1</sup> Webster's College Dictionary, Random House, 1995, pg. 1381.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: June 5, 2006

Respectfully submitted,

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